THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21609 of 2006

Dated: 27-04-2007

Between:

I. Satyanarayana.

..... PETITIONER

AND

The Regional Joint Commissioner,
Endowments Department, East Godavari District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21609 of 2006

ORDER:

The petitioner claims to be a Member of the family of founder trustee, who constructed Sri Subramanyeswara Swamy Temple at Indrakiladri Hill, Vijayawada. The temple was registered under Section 38 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1966 (1966 Act, for brevity). Be that as it is, second respondent, namely, the Deputy Commissioner of Endowments, issued proceedings/order on 13.06.2005 placing the petitioner under suspension and appointed fourth respondent as fit person as trustee under Section 28(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (1987 Act, for brevity). Aggrieved by the same, the petitioner filed W.P.No.12956 of 2005. When said writ petition was pending, he filed a revision petition under Section 92 of 1987

Act before first respondent, namely, the Regional Joint Commissioner. Subsequently he withdrew the writ petition on 10.07.2006. Along with the revision petition, he filed I.A.No.9 of 2006 for suspension of the order of second respondent dated 13.06.2005. First respondent declined to suspend the same.

A detailed counter-affidavit is filed by third respondent justifying the order passed by second respondent as well as first respondent. However, it is not necessary to refer to these proceedings as revision petition is still pending before first respondent. The submission of the learned counsel for the petitioner, however, needs to be noticed.

It is alleged that a hereditary trustee cannot be placed under suspension under Section 28 of 1987 Act. Strong reliance is placed on the decision of the Division Bench of this Court in **D.V. Raghavacharyulu v. Deputy Commissioner, Endowments Department**[1], wherein it was held that in exercise of power under Section 26 of 1966 Act, competent authority cannot suspend hereditary trustee. The learned Government Pleader for Endowments does not dispute this. However, he submits that as Section 16 of 1987 Act abolished hereditary rights of the trustees, the decision of the Division Bench has no relevance to the facts of the case on hand. He, however, does not dispute that a revision petition is pending before first respondent and pending revision, if the petitioner is not allowed to function as the trustee, the same might be prejudicial to the interests of the institution. Therefore, this Court is of the considered opinion that there should be order of *status quo* pending revision.

The writ petition is, therefore, disposed of directing status quo and further directing first respondent to dispose of the revision filed by the petitioner in revision No.38 of 2006 within a period of six weeks from the date of receipt of a copy of this order. No costs.

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(**V.V.S.RAO, J**)

27th April, 2007
ghn

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[1] AIR 1984 AP 39